THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.30846 OF 1998

ORAL ORDER:

This writ petition is filed seeking a *mandamus* declaring the action of the respondent-Municipal Corporation of Hyderabad, in seeking to demolish the premises viz., Madhukunj Complex, S.P. Road, Secunderabad, without following due process of law as arbitrary and illegal.

This Court while directing *Rule nisi* by order dated 5.11.1998 granted interim stay of demolition and the said order continued to be in operation althrough. So far no counter affidavit has been field by any of the respondents.

However, the learned counsel for the petitioner has brought to my notice that W.P.No.30882 of 1998 filed by the residents of the adjacent building in S.P. Road, Secunderabad, who were also aggrieved by the action of the respondents, was disposed of by this Court by order dated 18.2.1999 declaring that the respondents cannot demolish or dispossess the members of the petitioner-society therein without having recourse to the procedure under the Hyderabad Municipal Corporation Act. Accordingly, the respondent-Corporation was directed to follow the procedure under the Hyderabad Municipal Corporation Act and to take appropriate steps in accordance with law.

Since the petitioner herein is also similarly situated and in the absence of any counter affidavit, I deem it appropriate to dispose of the writ petition in terms of the order in W.P.No.30882 of 1998 dated 18.2.1999 with a direction to the respondents not to demolish the premises in question without having recourse to the procedure prescribed under the Hyderabad Municipal Corporation Act and the Rules made thereunder. No costs.

(G. ROHINI, J.)

20th June, 2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.30846 OF 1998

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20th June, 2007.

Between:

M/s Madhukunj Flat Owners Welfare
Association, represented by its
Secretary – Sri Y.S. Shah. ..Petitioner.

And

The Municipal Corporation of
Hyderabad, represented by its
Commissioner and others. .. Respondents.